Holman v. Johnson (1775, K. B.) 1 Cowp. 341; *Northwestern Salt Co. v. Electrolytic Alkali Co.* (C. A.) [1913] 3 K. B. 422, 424; *Oscanyan v. Arms Co.* (1880) 103 U. S. 261, 266. Inasmuch as, where there is no question of bribery, the evil of combination appears to lie almost wholly in stifling competitive bids, the holding in *Anderson v. Blair* seems undoubtedly sound, there being no question of bidding, and the tendency of the combination being rather to serve the government's purpose of speedy construction. The closely related question of hiring a man to use his "influence" to procure contracts or advances from the government involves delicate problems of policy and of fact. Where "influence" means only able advocacy, or the weight of reputation for honest, sound judgment, it would seem unobjectionable. Where it meant the jockeying of a hanger-on, our Supreme Court has condemned it flatly. *Providence Tool Co. v. Norris* (1864) 2 Wall. 45. Much would seem to turn on the soundness of the proposition advanced, and of the person or firm to be benefited, as in the *Montefiore* case. And it is believed that both of the cases last cited were influenced by the fact that a person of official or semi-official position was involved in the agreement.

INJUNCTIONS—JURISDICTION OF STATE COURT TO ENJOIN SUIT IN ANOTHER STATE COURT—REASONS FOR EXERCISE.—A Georgia railway corporation was sued in Georgia for the death of plaintiff's husband resulting from an accident which occurred in Alabama. Plaintiff and her deceased husband were residents of Alabama. The Georgia corporation sought an injunction from the Alabama courts restraining the farther prosecution of the Georgia action. It alleged that the plaintiff in the damage suit had chosen the Georgia courts in order to evade the "stop, look, and listen" rule of Alabama, which rule, it alleged, did not obtain in Georgia. *Held,* that the Georgia corporation was not entitled to the injunction. Sayre and Somerville, JJ., *dissenting.* *Folkes v. Central of Georgia R. Co.* (1918, Ala.) 80 So. 458.

A resident of Georgia obtained personal service in Tennessee upon another resident of Georgia while the latter was temporarily in Tennessee. The operative facts constituting the cause of action—one of so-called transitory character—occurred in Georgia. The defendant in the Tennessee action sought an injunction from the Georgia courts to restrain the farther prosecution of the action in Tennessee. The petition for the injunction alleged, but in general language only, that the law of Tennessee applicable to the case differed from that of Georgia and that the suit was brought there rather than in Georgia in order to "harrass and annoy" the petitioner into paying the amount demanded rather than to go to the expense of a suit in Tennessee. *Held,* that the petition stated no grounds for equitable relief. *McDaniel v. Alford* (1918, Ga.) 97 S. E. 673.

It is well settled that a court of equity has jurisdiction, i. e., power, to enjoin litigants personally subject to its jurisdiction from prosecuting suits in other jurisdictions. *Portarlington v. Soulby* (1834, Eng. Ch.) 3 My. & K. 104; Story, *Equity Jurisdiction* (14th ed.) sec. 1224. It was at one time supposed that the courts of one state had no power to enjoin a suit in the courts of another state. Story, *op. cit.,* sec. 1225. But the law has long been settled to the contrary. *Kempson v. Kempson* (1899, Ch.) 58 N. J. Eq. 94, 43 Atl. 97; 14 R. C. L. 412. However, there is much conflict as to when the jurisdiction will be exercised. The commonest case is where a resident of one state is seeking to evade the laws of his domicile by suing in another state—as, for example, where he sues in the foreign court to evade an exemption law of his own state. In such cases it is usual to grant an injunction. *Wilson v. Joseph* (1886) 109 Ind. 490; *Teeger v. Landsley* (1886) 69 Iowa, 725; (1888) 23 CENT. L. J. 268. So also where the

court is satisfied that the suit in the other state is "vexatious." *Claflin & Co. v. Hamlin* (1881, N. Y. Sup. Ct.) 62 How. Pr. 284. In a case in Alabama decided prior to the *Folkes* case the facts were substantially identical with that case except that both parties were citizens of Alabama. The injunction was granted. *Weaver v. Alabama, etc. R. Co.* (1917, Ala.) 76 So. 364. Where, as in the *Folkes* case, the one asking the injunction is being sued in his own state there seems less reason for interference. In favor of an injunction, however, is the fact that the operative facts all occurred in Alabama, the parties and presumably the witnesses resided there, and the law applicable to determine the substantive rights of the parties is that of Alabama. On the other hand there is the fact that in this and other similar situations the substantive rights of the parties would, according to well-recognized principles of the Conflict of Laws, be settled in other states by the rule laid down by the law of the place where the transaction took place. This is frequently overlooked. For example, in one case an injunction was granted to prevent a bailor from suing a carrier in another jurisdiction where it was alleged the measure of damages would be much larger than in the state granting the injunction. *Dinsmore v. Neresheimer* (1884, N. Y. Sup. Ct.) 32 Hun, 204. On the facts of that case the court in the state in which the action enjoined was brought would, if the case were properly presented, clearly have applied the law of the state granting the injunction. In justification of the *Weaver* case, however, was the fact that the Georgia courts had refused to apply to an "Alabama cause of action" the "stop, look, and listen rule" of that state. *Krogg v. Atlanta, etc. R. Co.* (1886) 77 Ga. 202. The result in the *McDaniel* case seems contrary to that reached by most courts and can hardly be supported as a desirable rule. There was every reason why on the state of facts presented the action should have been tried in Georgia. The operative facts all occurred in that jurisdiction. Both parties and probably the necessary witnesses resided there. The law applicable was that of Georgia. It is difficult to see why a Georgia court should on such a state of facts permit one of its residents to compel another resident to go to the trouble and expense of presenting to a foreign tribunal evidence of both the facts and the Georgia law, even if that tribunal would, if the case were properly presented, apply the Georgia law.

JUDGMENTS—EFFECT OF DISSOLVING INJUNCTION IMPOSED FOR A TRIAL PERIOD—RECOVERY BY CARRIER OF FAIR VALUE OF SERVICES.—A statute of North Dakota prescribed certain rates to be charged by common carriers. By injunction the railroad was compelled to put these into effect. A writ of error was taken up to the Supreme Court, which affirmed the decree without prejudice to the carrier to reopen the case if, after a trial period, the rates proved confiscatory. Subsequently, the case was reopened and the rates were declared to be confiscatory, whereupon a new decree was entered dissolving the injunction. The instant action was brought by the carrier to recover from a shipper the difference between a reasonable rate and the rate which the carrier had been compelled to charge during the period of probation. *Held,* that the carrier could not recover. *Minneapolis, etc. Ry. Co. v. Washburn Coal Co.* (1918, N. D.) 168 N. W. 684.

Where a cause is dismissed "without prejudice," the form of the decree merely bars the plea of *res judicata. Bucholz-Hill Trans. Co. v. Baxter* (1912) 206 N. Y. 173, 99 N. E. 180; Ann. Cas. 1914A 1105, and note. Where a court, having jurisdiction and acting under a statute that is apparently constitutional, enters a judgment, absolute in form, but without prejudice to the reopening of the proceedings, the decree is *res judicata* for the period that it is in force, even if it is subsequently replaced by another. See *Missouri Rate Cases* (1912) 230